



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
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November 6, 2014

Dr. Lalitha Alla
2016 Beacon Place Drive
Alexandria, LA 71301

Re: Ethics Board Docket No. 2014-945

Dear Dr. Alla:

The Louisiana Board of Ethics, at its October 17, 2014 meeting, considered your request for an advisory opinion as to whether you, a WAE employee of the Imperial Calcasieu Human Service District (IMCAL), may change your WAE position to a contract position with IMCAL. Chief Medical Officer, Patrick C. Hayes, stated that the Imperial Calcasieu Human Services Authority is undergoing a major transformation. Mr. Hayes stated that due to budget cutting and enforced efficiency, IMCAL intends to convert all of its prescribing providers (physicians, medical psychologists, advanced practice registered nurses, physicians assistants) to contract providers. There are presently 8 prescribers in the district. Six are on existing contracts or are converting to contracts for FY 2014-2015 (July 1, 2014). A seventh is a subcontractor under an agency contract. He stated that the eighth prescriber, you, have been offered a contract position in lieu of your present WAE position. Mr. Hayes stated that this conversion is consistent with the conversion offer to all other existing WAE providers.

The relevant provisions of the Code of Governmental Ethics at issue herein are La. R.S. 42:1121B and La. R.S. 42:1112B(4). **La. R.S. 42:1121B** provides no former public employee shall, for a period of two years following the termination of his public employment, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such former public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed, or for a period of two years following the termination of his public employment, render, any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed. **La. R.S. 42:1112B(4)** prohibits a public servant from participating in a governmental transaction in which a person with whom they are negotiating for future employment has a substantial economic interest.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit you from converting your WAE position to a contract position with IMCAL since IMCAL is converting all WAE positions to contract positions as long as you did not participate in the decision to privatize these services. In prior opinions, the Board has concluded that based on the


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unique circumstances of the privatization of governmental services, the Ethics Code would not prohibit former employees from contracting back with their former agency to provide the same or similar services when their former agency no longer provides such services as long as the employees did not participate in the decision to privatize. In the instant matter, the same unique circumstances of privatization are presented, thus there will be no violation of La. R.S. 42:1121.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS


Tracy M. Barker, Staff Attorney
For the Board

cc: Mr. Patrick C. Hayes